

**REMARKS**

Claims 1, 2, 7-22 are all the claims pending in the application. As shown in the foregoing amendments, claims 1, 2, 10, 21 and 22 are amended. The support for these amendments is found in the specification at, for example but not by way of limitation, the paragraph bridging pages 7 and 8.

In view of the foregoing amendments and following remarks, applicant respectfully requests withdrawal of the rejections and allowance of the claims.

**I. Telephone Interview**

Applicant thanks the Examiner for the courtesies extended to applicant's representative during the telephone interview on July 26, 2007.

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration: NONE
2. Identification of claims discussed: 1, 2, 10, 21, 22
3. Identification of art discussed: U.S. Patent No. 7072888 ("Perkins")
4. Identification of principal proposed amendments: Independent claims are proposed to be amended to recite that the remote terminal performs the monitoring in an open architecture, i.e., irrespective of whether the user is using a search or other specific URL. Further amendments were proposed by the Examiner.
5. Brief Identification of principal arguments: Perkins does not disclose or suggest that the remote access code performs monitoring irrespective of the URL that is currently loaded into the user's browser. Instead, Perkins actually is a closed architecture system wherein the user

accesses a search engine. In contrast, the applicant's invention is an open architecture in which the user accesses information sources independently of any specific search engine. It is noted that the central database as claimed is not limited to a search engine, and the user need not access the central database for the remote code at the remote terminal to perform at least the claimed monitoring, collection, and transmitting.

6. Indication of other pertinent matters discussed: NONE

7. Results of Interview: No agreement was reached; applicant will make the above discussed amendments and submit a written response to the outstanding Office Action with remarks that reflect the principal arguments.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

## **II. The claims are not anticipated**

Claims 1, 2, 7-18, 21 and 22 stand rejected under 35 U.S.C. § 102(e) due to alleged anticipation based on the Perkins. In view of the foregoing amendments, applicant respectfully submits that Perkins is distinguishable from the claimed invention, for at least the reasons explained below in greater detail.

The claimed invention is directed to a method of accumulating and retrieving information, including *recognizing communication between said central program code and remote program code at at least one remote terminal; said remote program code being adapted for monitoring user activity of at least one user accessing any of said information sources irrespective of which uniform resource locator (URL) is currently loaded into a browser of said*

*at least one user, for collecting monitored data related to said user activity, and for transmitting said monitored data to said central program code.* (emphasis added) Applicant respectfully submits that being able to monitor user activity, regarding of whether a particular website has been loaded into the browser, represents the open architecture of the presently claimed invention.

In contrast, Perkins discloses a process for improving search engine efficiency using feedback. Applicant respectfully submits that Perkins represents a closed architecture system. For example, but not by way of limitation, as shown in FIG. 3, the scheme of Perkins requires that the user access the search engine 133 to enter keywords and perform a search. The activity of the user at the web browser is tightly integrated with the search engine, see for example column 8, lines 23-31. Further, the user ratings are directed to the search engine.

Therefore, applicant respectfully submits that Perkins fails to disclose *remote program code being adapted for monitoring user activity of at least one user accessing any of said information sources irrespective of which uniform resource locator (URL) is currently loaded into a browser of said at least one user*, as recited in independent claims 1, 2, 21 and 22. As explained above, Perkins requires use of the search engine in its closed system architecture, whereas the claimed invention teaches the *opposite*: user activity is monitored, regardless of whether a web site is accessed. For at least this reason, applicant respectfully submits that claims 1, 2, 21 and 22 as amended are distinguishable from Perkins.

Claims 21 and 22 correspond to claims 1 and 2, but refer to monitoring user activity of a plurality of users to progressively tailor search results for at least one user.<sup>1</sup> These claims are patentable by virtue of this additional recitation, as well as for the reasons that claims 1 and 2 are patentable, because activity at a plurality of remote terminals provides monitored data that enables tailoring of information retrieval results for at least one user.

Additionally, applicant respectfully submits that the dependent claims are allowable by virtue of their dependency from the independent claims, which are believed to be allowable for at least the reasons discussed above.

Accordingly, applicant respectfully requests withdrawal of the rejection, and allowance of the claims.

### **III. The claims would not have been obvious**

Claims 19-20 stand rejected under 35 U.S.C. § 103(a) due to alleged obviousness based on the Perkins in view of Cameron. Applicant respectfully submits that claims 19-20 are allowable by virtue of their dependency from the independent claims, which are believed to be allowable for at least the reasons discussed above. Accordingly, applicant respectfully requests withdrawal of the rejection, and allowance of the claims.

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<sup>1</sup> Claims 21 and 22 are also distinguishable from claims 10 and 15 by the recitation of plural remote terminals in the supplementing and transmitting steps. Therefore, the scope of claims 21 and 22 is different from that of claims 1/10 and 2/15 in this manner.

**IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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**23373**

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